

## OU4 PHASE I IM/IRA ISSUE IDENTIFICATION AND RESOLUTION PROCESS

On September 30, 1993, the OU4 Project Coordinators for CDH, EPA and DOE signed the *OU4 (Solar Ponds) Dispute - Draft and Final Phase I RFI/RI Reports* which modified the IAG schedule milestones. The OU4 Project Coordinators stated that implementation of the revised schedule for the OU4 Phase I activities will require active and continuous coordination between all parties. Because of this need for increased coordination, the parties (CDH, EPA and DOE) have jointly committed to increase the level of participation in the administrative and technical design process.

To achieve this participation goal, the OU4 representatives from CDH, EPA and DOE/EG&G have agreed to meet on a regularly basis to status the project, to review interim deliverables, to discuss administrative, technical and regulatory requirements of the project, and to identify and resolve any issues. The key to the success of the IM/IRA project is the early identification and resolution of significant issues that could have an impact on meeting the IAG milestones. The purpose of this document is to provide the framework that will be followed for the identification and resolution of these key issues.

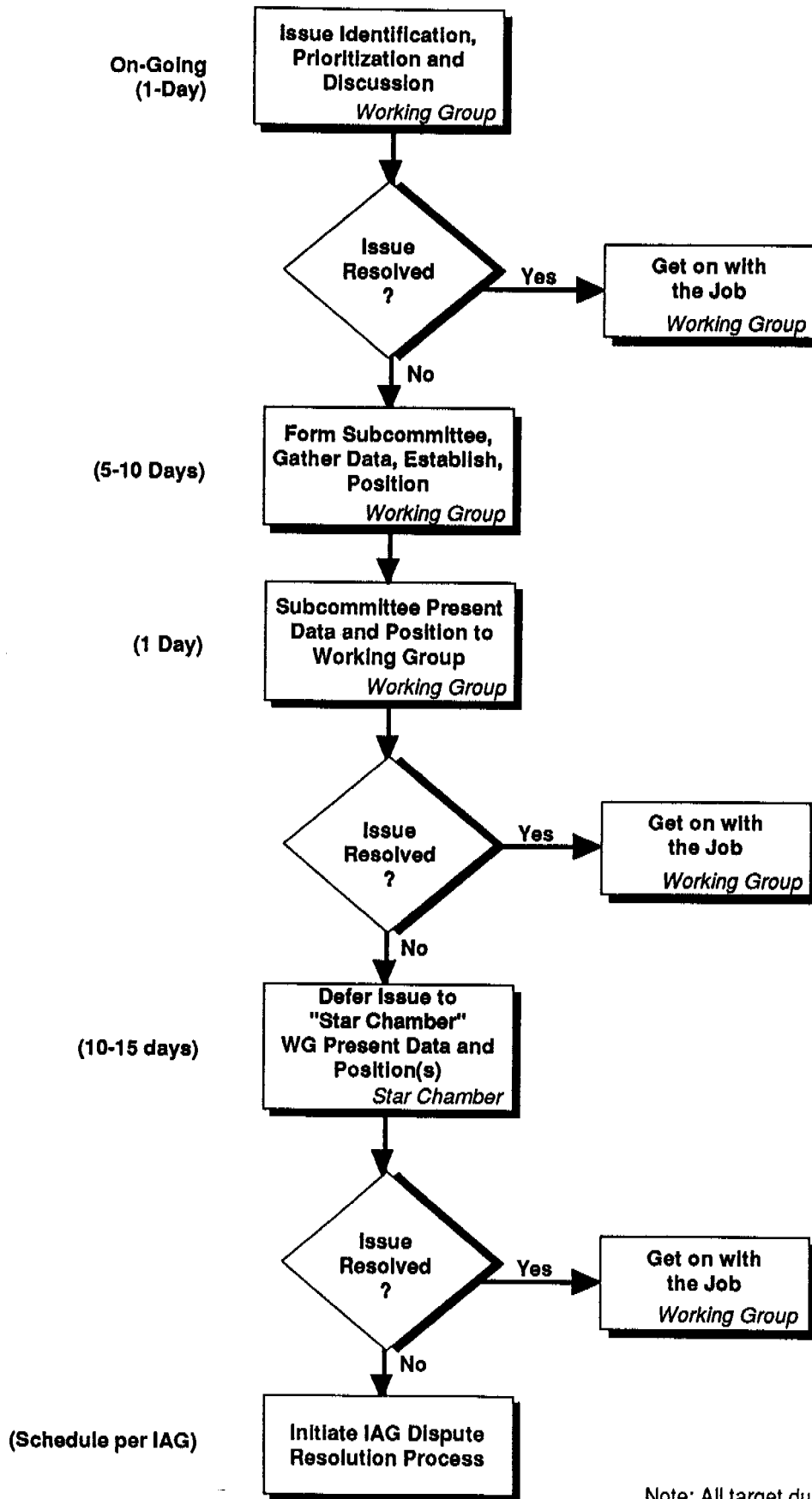
### 1.0 General

The issue resolution process is executed through the early identification, collegial planning, consultation and review from a multi-disciplinary CDH/EPA/DOE/EG&G team (e.g., working group). The focus of the team is to select and implement a IM/IRA which is mutually agreeable to all parties (CDH, EPA and DOE). [As used in the issue resolution process, mutual agreement will be by consensus (unanimous) between CDH, EPA and DOE. This issue identification and resolution process was also written with the understanding that the spokesperson for each party (CDH, EPA and DOE) present at the scheduled working group meetings has the authority to act on behalf of the designated OU4 Project Coordinator.]

The process that will be followed to identify and resolve OU4 IM/IRA issues is shown as Figure 1. The OU4 working group will consist of be representatives (including CDH, EPA, DOE, EG&G and ES) involved with the development and implementation of the OU4 IM/IRA. The working group will identify, prioritize and discuss potential issues. A subcommittee may be formed to further evaluate and discuss those issues that can not be resolved at the working group meeting. The subcommittee will present their findings and recommended resolution to the working group for consideration. If the issue still remains unresolved, the issue will be deferred to the "Star Chamber" for resolution. The "Star Chamber" consists of representatives from CDH, EPA and DOE to provide an informal forum for technical experts and decision makers to discuss and resolve issues prior to invoking formal dispute resolution under the IAG. The actual membership of the "Star Chamber" will be determined on a case-by-case basis and will be dependent on the nature of the issue. If the "Star Chamber" can not resolve the issue, the formal IAG dispute resolution provisions will be followed.

Each of the major components of the OU4 issue identification and resolution process are described in the sections that follow. The target durations for each step in the issue identification/resolution process is provided on Figure 1. The durations may need to be adjusted depending on the complexity of the issue.

**FIGURE 1**  
**ISSUE IDENTIFICATION AND RESOLUTION FLOW DIAGRAM**



Note: All target durations are working days

## 2.0 Issue Identification

As IM/IRA alternatives are developed, potential technical and regulatory disagreements may be identified. The identification of these potential issues is a continual process throughout the IM/IRA effort.

In keeping with the Total Quality Management philosophy, brainstorming sessions to identify potential issues will periodically occur at the scheduled working group meetings. The brainstorming sessions are not intended to fully resolve the issue, but to obtain mutual agreement that the item is an issue, to define what the issue entails, and to assign a priority for discussing and resolving the issue. Along with the priority of the issue, a target date by which a resolution is required will be established. It is intended to establish the target date so that none of the IAG milestones will be adversely impacted.

The EG&G program/project manager will maintain a list of the issues and their assigned priority. This list will be updated as new issues are identified and old ones are resolved. The EG&G program/project manager will also integrate the target dates for issue resolution with the IM/IRA master schedule. The master schedule will be maintained and updated to ensure that all critical path issues are resolved in a timely manner.

## 3.0 Issue Discussion and Resolution

In general, a reasonable amount of time will be allocated to discuss each issue at one of the routine working group meetings. Following discussion, the issue will either be resolved by mutual agreement, tabled until another meeting (if resolution requires additional information or consultation with an individual not present), or referred to a subcommittee for further evaluation and development of a recommended resolution (if the issue can not be resolved within the meeting format). Listed below are the guidelines that will be followed for the resolution process.

- 1) **Scheduling of Issues:** It is recognized that time constraints will limit the number of issues that can be placed on a single meeting agenda. As such, the scheduling of issues will be based on the priority assigned to the issue; the most critical issues (e.g., those which could adversely impact critical path tasks) will be discussed first. The EG&G program/project manager will place the most critical issues on the meeting agenda and allow a time for discussion that is commensurate with the complexity of the issue.

It is also recognized that some of the more complex issues will require a substantial amount of preparation time to discuss the issue. To ensure that the parties (CDH, EPA and DOE) have a sufficient amount of time to prepare, the EG&G program/project manager will maintain and distribute a master schedule that includes proposed dates for discussing and resolving each identified issue.

- 2) **Issue Discussion:** As stated above, a reasonable amount of time will be provided to discuss the issue. A moderator may be assigned to control the issue discussion.

Each party (CDH, EPA and DOE) will be given an opportunity to provide an initial statement regarding their position and any justification for the position. The statement presenter should not be interrupted and only questions for clarification of the position should be asked.

After each party has provide their position, an interactive discussion regarding the basis for the positions will commence. The discussion will continue until either the issue is resolved, the parties determine that the issue will not be resolved within the time allocated or additional information is required. If the discussion time has expired prior to resolution, the parties may mutually agree to extend the discussion time if it is believed that resolution can be reached.

If resolution within the time allocated appears unlikely, the parties may either table the issue until another meeting (if resolution requires additional information or consultation with an individual not present at the meeting), or refer the issue to a subcommittee for further evaluation and development of a recommended resolution. The subcommittee members will be chosen by mutual agreement of the parties (CDH, EPA and DOE). The number and expertise of the members will be dependent on the complexity of the issue, the nature of the issue and any schedule constraints.

Each party will be provided an opportunity to make a closing statement.

- 3) **Subcommittee:** As stated above, the parties may charter the formation of a subcommittee to further evaluate and discuss the issue outside of the meeting format. The subcommittee will generally consist of a limited number of working group members. The selected subcommittee members shall meet as frequently as required to formulate a recommended resolution within the time constraints established to meet the IAG milestone dates. The parties will establish a date when the subcommittee's recommendation is required. If necessary, each party (CDH, EPA and DOE) will provide the subcommittee a written paper that presents the details and justification for their position on the subject issue. The subcommittee will review these position papers in preparing the recommended resolution.

The subcommittee chairperson will issue the recommended resolution to each of the parties prior to the scheduled working group meeting. The chairperson will also make a presentation at the working group meeting. At this point in time, the parties may mutually accept, modify or reject the recommended resolution.

If no resolution of the issue can be achieved, the issue will be evaluated to the "Star Chamber".

- 4) **Issue Resolution:** Mutual agreement of the issue shall be documented in the meeting minutes and shall be formally accepted upon concurrence of the meeting minutes. Formal acceptance of the resolution is not intended to preclude any party (CDH, EPA or DOE) of their rights to invoke dispute resolution as provided under the IAG or to challenge any resolution under applicable laws consistent with Part 29 of the IAG.

#### 4.0 "Star Chamber"

If the working group can not resolve the issue, the issue will be elevated to the OU4 "Star Chamber". The "Star Chamber" consists of representatives from CDH, EPA and DOE that have particular expertise or decision making authority required to resolve the issue. The function of the "Star Chamber" is to informally resolve OU4 issues outside of the IAG dispute resolution process.

The parties will establish a date when the OU4 "Star Chamber's" decision is required. Generally, a time period of 10 to 15 days will be provided to the OU4 "Star Chamber" to evaluate and resolve the issue. More or less time will be allowed depending on the nature of the issue and potential IAG schedule milestone impacts. The OU4 "Star Chamber" members shall meet as frequently as required to formulate a resolution within the time constraints established to meet the IAG milestone dates. If necessary, each working group party (CDH, EPA and DOE) will provide the OU4 "Star Chamber" a written paper that presents the details and justification for their position on the subject issue. The OU4 "Star Chamber" will review these position papers in resolving the issue.

If the "Star Chamber" can not resolve the issue, the formal IAG dispute resolution provisions will be followed.

#### 5.0 Dispute Resolution Under the IAG

If the "Star Chamber" can not resolve the issue, the EPA and/or DOE may invoke formal dispute resolution as specified in the IAG. [Note: The State has ultimate approval authority over the Decision Documents generated for State Lead OUs. Invoking the IAG Dispute Resolution process is also not intended to preclude any of the parties from seeking resolution of the issue by other appropriate means.]

For those issues which DOE disagrees with the State's position, the provisions of the IAG Part 12 RESOLUTION OF DISPUTES, which is the dispute resolution process for State lead OUs, will be followed. If appropriate, any position paper developed by the Working Group, Subcommittee, and/or "Star Chamber" will be provided to the OU4 Project Coordinators for consideration.

For those issues which EPA disagrees with the State's position, the provisions of the IAG Part 27 DISPUTE RESOLUTION BETWEEN STATE AND EPA will be followed. If appropriate, any position paper developed by the Working Group, Subcommittee, and/or "Star Chamber" will be provided to the OU4 Project Coordinators for consideration.